

Memo

To: Board Members
From: Staff
Date: December 8, 2006
Re: Concepts Relating to an Indoor Notification Registry

Following the Board's annual planning session, members prioritized discretionary tasks and reviewed those priorities at the July 21, 2006 meeting. Development of Indoor Notification Registry ranked as the sixth priority. There was sentiment that in a few cases, sensitive individuals who reside in multi-family dwellings or who work in large buildings may find the new notice provisions incorporated in Chapter 26 as inadequate for their needs. Accordingly, some members felt that an indoor notification registry is still warranted.

Should the members agree to move forward with an indoor registry, several basic concepts need to be resolved before the staff can begin drafting a rule:

- 1) What types of buildings would it apply to? During past discussions, the focus has been on buildings where individuals will likely be spending significant amounts of time such as residences and buildings used as work places. Chapter 26 would already cover any rented single family home, so logic suggests that only multi-family dwellings should be included in addition to buildings used as work places.
- 2) For any building subject to the new rule, staff discussions have found that trying to limit the scope of the rule within a building (such as within XX feet of the registrant job site or dwelling) is likely far too complex. Consequently, we suggest that notification be given to any registrant within the subject building regardless of the size of the building.
- 3) Should the registry apply to applications made only by commercial applicators or should there also be an optional provision (similar to the outdoor registry) to require unlicensed applicators to comply in those situations where a license is not required (such as work places not open to the public)? Legal, unlicensed applicators may be difficult to identify.
- 4) It seems logical that most of the same provisions contained in the outdoor registry (including the Board's decision on the hardship waiver for the fee) would be applicable

to the indoor registry. Many of the exemptions that apply to the outdoor registry would no longer make sense since they are only pertinent to outdoor applications.

- 5) What rule chapter would be used? Chapter 28 – which contains all the other notice provisions except for aerial spraying - might be an appropriate place to add a fourth section. This would only require some minor revisions to the rule title and summary.